

APPEAL NO. 032413
FILED OCTOBER 16, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 13, 2003. The hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to and include a medial meniscus tear of the right knee and an injury to the thoracic spine and right elbow. The claimant appeals, essentially on sufficiency of the evidence grounds. The file does not contain a response from the respondent (self-insured).

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determination. The determination involved a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In this case the hearing officer was not persuaded by the claimant's medical evidence that the compensable injury extended to or included a medial meniscus tear of the right knee or an injury to the thoracic spine or right elbow, or that a preexisting condition of the claimant's right knee or his thoracic spine was aggravated, worsened, or enhanced as a result of the compensable injury. In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**EXECUTIVE DIRECTOR
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge